

# Terrell, Baugh, Salmon & Born, LLP

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OF COUNSEL:  
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**Via Express Mail No.: EH 460134297 US**

December 19, 2008

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: Petition for Revival of an Application for Patent Under 37 C.F.R. 1.137(b)  
Application No.: ~~10/729,844~~ 10/729481  
Inventor: Barney P. Johnson  
Title: Method for Creating Stereograms

Gentlemen:

Enclosed herewith please find Applicant's Petition for Revival of an Application for Patent Under 37 C.F.R. 1.137(b). Kindly charge the deposit account of 501684 for all fees related to this filing.

Should you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

Terrell, Baugh, Salmon & Born, LLP



Gary K. Price

GKP/pep  
Enclosures  
cc: Barney P. Johnson (w/encls)



12-22-08

12 DAC

PTO/SB/64 (11-08)  
Approved for use through 12/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Barney P. Johnson

Application No.: ~~10/729,841~~ **10/729481**

Art Unit: 2624

Filed: December 5, 2003

Examiner: Alex Liew

Title: Method for Creating Stereograms

12/22/2008 LNGUYEN1 00000020 501684 10729841  
01 FC:2453 810.00 DA

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 810.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Request for Continued Examination (RCE) (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

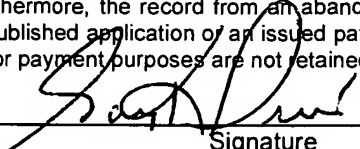
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

12/19/2008  
Date

Gary K. Price, Esq.  
Typed or printed name

45,024  
Registration Number, if applicable

Terrell, Baugh, Salmon & Born, LLP  
Address

(812) 479-8721  
Telephone Number

700 S. Green River Road, Suite 2000, Evansville, IN 47715  
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: RCE

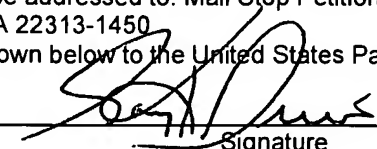
**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

12/19/2008  
Date

  
Signature

Gary K. Price, Esq.  
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR'S NAME: ) Art Unit: 2624  
BARNEY P. JOHNSON )  
10/729481 ) Examiner: Alex Liew  
APPLICATION NO.: ~~10/729481~~ )  
TITLE OF INVENTION: ) Mailing Date: December 19, 2008  
METHOD FOR CREATING )  
STEREOGRAMS )  
FILING DATE: December 5, 2003 )

ATTN: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

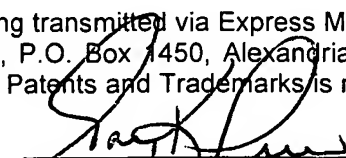
**PETITION FOR REVIVAL OF AN APPLICATION**  
**FOR PATENT UNDER 37 C.F.R. 1.137(b)**

Comes now the Applicant, Barney P. Johnson, by counsel, and pursuant to 37 C.F.R. 1.137(b), files Applicant's Petition to Revive the present application abandoned for failure to timely respond to the Examiner's Advisory Action with mailing date of October 1, 2008. In support of this Petition, the applicant states as follows:

1. Applicant filed his application for Letters Patent on December 5, 2003 (the "Application").
2. On August 4, 2008, Applicant filed his Amendment and Response to the Examiner's Office Action Summary with mailing date of June 6, 2008.
3. Examiner issued his Advisory Action with mailing date of October 1, 2008 stating that, inter alia, Applicant's proposed amendments would not be entered since they raised new issues that would require further consideration and/or search.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being transmitted via Express Mail No. EH 460134297 US, to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 19, 2008. The Honorable Commissioner of Patents and Trademarks is requested to grant this paper that date as its filing date

  
\_\_\_\_\_  
Gary K. Price (#45,024)

4. The Advisory Action was sent to counsel for Applicant's old mailing address of 25 Riverside Drive, P.O. Box 1287, Evansville, Indiana, 47706-1287. On December 9, 2008, Applicant's counsel received a telephone call from Examiner Liew advising that Applicant's Application had abandoned on December 8, 2008. Examiner was aware of Applicants counsel's new mailing address and telephone number and in fact, contacted Applicant's counsel at his new telephone number.

5. On discovery that the application had abandoned, Applicant's counsel immediately contacted his old office and located the said Advisory Action, and immediately filed the present Petition to Revive along with Applicant's Request for Continued Examination (RCE) Transmittal, and Applicant's Amendments to the claims and arguments in support of patentability.

6. The entire delay in filing the required response to Advisory Action was unintentional.

7. In further support of this petition:

- a. the error herein resulted in the performance of a clerical function;
- b. the error was the cause of the delay at issue;
- c. there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
- d. staff was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such staff represented the exercise of due care.

8. Included with this petition:

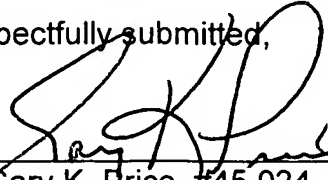
- a. Applicant's Request for Continued Examination Transmittal;
- b. Applicant's Amendment and Response in support of patentability;
- c. Fee Transmittal Sheet for payment of the RCE fee;
- d. Fee Transmittal Sheet for payment of the petition fee to revive the abandoned application.

The Director is authorized to charge all fees required for filing the RCE and filing the present Petition to Revive the Abandoned Application to Deposit Account Number 501684.

WHEREFORE, Applicant respectfully requests the PTO to grant the present petition as unintentional and for all other relief just and proper.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Gary K. Price, #45,024

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